

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____	)	
IN RE PHARMACEUTICAL INDUSTRY	)	MDL NO. 1456
AVERAGE WHOLESALE PRICE	)	CIVIL ACTION NO.
LITIGATION	)	01-12257-PBS
_____	)	
<b>THIS DOCUMENT RELATES TO:</b>	)	
<b>ALL ACTIONS</b>	)	
_____	)	

**CASE MANAGEMENT NO. 11**

April 8, 2004

Saris, U.S.D.J.

Defendants have moved for clarification of Case Management Order No. 10, Part IX. I clarify that CMO 10 is applicable to the actions brought by governmental plaintiffs to the extent the defendants are common to the AMCC. I modify the order to exclude the thirteen county defendants ("the thirteen who want out") until I rule on the motions to dismiss. My goal is to coordinate document production and depositions on issues common to all actions to the extent feasible.

When I rule on the motions to dismiss, I will issue a separate case management order in the state/county cases. For example, I may well decide to separate deadlines for fact discovery and a different briefing schedule.

**S/PATTI B. SARIS**

United States District Judge